

Message Text

UNCLASSIFIED

PAGE 01 MONTEV 01138 070124Z

ACTION EB-08

INFO OCT-01 ARA-14 ISO-00 CAB-05 CIAE-00 COME-00
DODE-00 DOTE-00 INR-10 NSAE-00 FAA-00 L-03 TRSE-00
/041 W

-----027072 071738Z /64

R 061421Z APR 78

FM AMEMBASSY MONTEVIDEO

TO SECSTATE WASHDC 6183

UNCLAS MONTEVIDEO 1138

E.O. 11652: N/A

TAGS: EAIR, UY

SUBJECT: CIVAIR: DISCRIMINATORY AIRLINE TAX

REF: (A) STATE 87224 (B) 77 STATE 292151

1. REFTEL A INDICATES THAT THE U.S. DISPOSITION OF THREE APPLICATIONS FOR FUTURE LANDING RIGHTS OF URUGUAYAN AIRLINES IN THE U.S. MAY BE INFLUENCED BY THE IMPOSITION OF A GOU AVIATION TAX ON AMERICAN FLAG CARRIERS. REFTEL B BASES THE U.S. OPPOSITION TO THE TAX UPON P.O. 93-623, THE INTERNATIONAL AIR TRANSPORTATION FAIR COMPETITIVE PRACTICES ACT. EMBASSY WOULD APPRECIATE DEPARTMENT CLARIFICATION OF THE RELATIONSHIP BETWEEN PL 93-623 AND THE AIR TRANSPORTATION AGREEMENT BETWEEN THE U.S. AND URUGUAY AND ITS ANNEX OF DECEMBER 1946, IF ANY, AND THE LATTER'S COMMITMENT REGARDING THE URUGUAYAN APPLICATIONS AND HOW EACH IS RELATED TO THE TAX ISSUE.

2. THE EMBASSY'S READING OF THE AIR TRANSPORT AGREEMENT, WITH PARTICULAR REFERENCE TO ART. 2 AND TO SECTION I, PARA A OF THE ANNEX, IS THAT COMITY AND RECIPROCITY DEFINED AS QUOTE APPROPRIATE OPERATING PERMISSION UNQUOTE AND QUOTE FAIR AND EQUAL OPPORTUNITY FOR THE OPERATION OF THE SAID ROUTES UNQTE IS TO BE ACCORDED TO THE COMMON CARRIERS OF THE CONTRACTING PARTIES. PLUNA, THE URUGUAYAN NATIONAL AIRLINE, PRESENTLY UNCLASSIFIED

UNCLASSIFIED

PAGE 02 MONTEV 01138 070124Z

BEARS THE COMMON CARRIER DESIGNATION AND AERO URUGUAY REPS HAVE TOLD US THAT CARRIER WILL SHORTLY BE SO DESIGNATED BY THE GOU. BASING HIS ARGUMENT FOR U.S. LANDING RIGHTS UPON THE 1946 AGREEMENT, AERO URUGUAY REP AMBASSADOR YAMANDU LAGUARDA (WHO NEGOTIATED FOR THE GOU THE 1976 AMENDMENTS TO THE AGREEMENT) ASSERTS THAT U.S. LANDING RIGHTS CANNOT BE DENIED. LAGUARDA STATES THAT THE AGREEMENT IS APPLICABLE TO OPERATING AIRLINES

OF THE CONTRACTING PARTIES ONLY -- IN THIS CASE PANAM --
AND THAT ANY CLAIM OF DISCRIMINATION AGAINST BRANIFF INTERNATIONAL, AN OFF-LINE CARRIER, ON THE BASIS OF PL-93-623, IS INAPPLICABLE. EMBASSY WOULD APPRECIATE CLARIFICATION OF THIS POINT FOR ITS OWN UNDERSTANDING AND, TO THE EXTENT THE DEPARTMENT WISHES, TO CONVEY TO INTERESTED PARTIES.

3. THE COUNCIL OF STATE DID NOT REACH THE AVIATION TAX ISSUE ON ITS AGENDA OF APRIL 4, 1978.

PEZZULLO

UNCLASSIFIED

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 jan 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: DISCRIMINATION, AIR TRANSPORTATION, AIRLINES, AVIATION AGREEMENTS, TAX AGREEMENTS
Control Number: n/a
Copy: SINGLE
Draft Date: 06 apr 1978
Decaption Date: 01 jan 1960
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01 jan 1960
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1978MONTEV01138
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D780151-0054
Format: TEL
From: MONTEVIDEO
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1978/newtext/t19780486/aaaacuub.tel
Line Count: 72
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: fe8d5cb5-c288-dd11-92da-001cc4696bcc
Office: ACTION EB
Original Classification: UNCLASSIFIED
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: n/a
Previous Handling Restrictions: n/a
Reference: 78 STATE 87224, 77 STATE 292151
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 21 mar 2005
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 3055437
Secure: OPEN
Status: NATIVE
Subject: CIVAIR: DISCRIMINATORY AIRLINE TAX
TAGS: EAIR, UY, US
To: STATE
Type: TE
vdkgvwkey: odhc://SAS/SAS.dbo.SAS_Docs/fe8d5cb5-c288-dd11-92da-001cc4696bcc
Review Markings:
Sheryl P. Walter
Declassified/Released
US Department of State
EO Systematic Review
20 Mar 2014
Markings: Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014